

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID A. BREAUX,

Petitioner,

v.

WARDEN, San Quentin State Prison,

Respondent.

No. 2:93-cv-0570 JAM DAD P

DEATH PENALTY CASE

ORDER

Petitioner is a state prisoner incarcerated under sentence of death. He is proceeding through counsel with an application for writ of habeas corpus.

Respondent has filed a motion for extensions of time in which to comply with the current scheduling order. Counsel for respondent represents that counsel for petitioner does not oppose the proposed extensions of time. Good cause appearing, the motion will be granted.

Accordingly, IT IS HEREBY ORDERED that the motion for extensions of time (Doc. No. 279) is granted. The current scheduling order (Doc. No. 276) is amended as follows:

1. The parties will have until June 15, 2015, in which to complete all independent investigation in this case and shall by that same date submit statement(s) to the court identifying (1) which claims will require live testimony in an evidentiary hearing; (2) which claims will be submitted solely on an expanded record or through deposition or affidavit; (3) which claims will require no consideration of evidence at all; and (4) proposed witnesses for the evidentiary

1 hearing. The parties may submit said statement(s) jointly or separately.

2 2. The parties shall submit no later than August 4, 2015, a joint proposed schedule and
3 status report that shall include (1) a proposed schedule for any depositions; (2) a proposed
4 deadline for the filing of any pre-evidentiary hearing motions that either party deems appropriate;
5 and (3) proposed dates for the evidentiary hearing.

6 Dated: March 21, 2015

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9 DALE A. DROZD
10 UNITED STATES MAGISTRATE JUDGE

11 hm
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